

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2004/010399
International Filing Date : 16 September 2004 (16.09.2004)
Priority Date(s) Claimed : 16 October 2003 (16.10.2003)
Applicant(s) (DO/EO/US) : Ralf DEVANT, et al.

Title: PROCESS FOR THE PREPARATION OF ENANTIOMERICALLY PURE, 2-SUBSTITUTED CHROMAN DERIVATIVES

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:

- within three months of the filing date of a national application other than a CPA under § 1.53(d);
- within three months of the actual filing date of the national phase of a PCT application; OR
- before the mailing of a first substantive office action (including after filing of an RCE).

Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:

- a final rejection under 37 C.F.R. 1.113;
- termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR
- a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:

- a final action under 37 C.F.R. § 1.113;
- termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
- OR a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- Copies of materials listed but not attached were cited in an international search report dated April 26, 2005.
- Not required by 37 CFR § 1.98.
- Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure

P = intercalated document

T = document cited to understand the theory or principle underlying the invention

E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date

D = cited in the application

L = cited for another reason

& = publication of member of same patent family

Translation of other relevant information on foreign search report

In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Figure of formula, "Beispiele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means claims, "Anspruch" means example, "Zusammenfassung" means summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwähnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means break, "Abbildung" means figure.

Other Information

Payment of Fees Due (If Any):

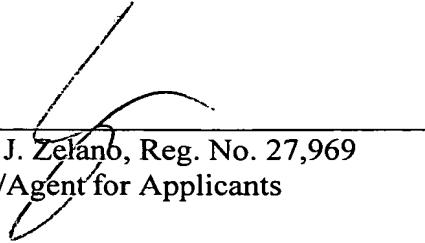
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10/574963
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Respectfully submitted,


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Attorney Docket No.: MERCK-3154

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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	USNP of PCT/EP2004/010399
(use as many sheets as necessary)				Filing Date	16 September 2004 (16.09.2004)
				First Named Inventor	Ralf DEVANT, et al.
				Group Art Unit	unknown
				Examiner Name	unknown
Sheet	1	of	1	Attorney Docket Number	MERCK-3154

NON-PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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